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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,495	03/08/2004	Ronnie Browne	22188/06622	2494

24024 7590 11/01/2006

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CLEVELAND, OH 44114

EXAMINER
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FOX, JOHN C

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/708,495

Applicant(s)

BROWNE ET AL.

Examiner

John Fox

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-60 and 68-99 is/are pending in the application.
- 4a) Of the above claim(s) 59, 60, 69-72, 74-76, 82, 83 and 85-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58, 68, 73, 77-81, 84 and 88-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

This Action is responsive to the communication filed September 28, 2006.

Claims 1-57 and 61-67 have been cancelled.

Claims 59-60, 69-72, 74-76, 82-83, and 85-87 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 27, 2006.

The indicated allowability of claims 73 and 84 is withdrawn in view of the newly discovered Whitehouse reference.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 58, 68, 73, 77, 79-81, 84, 88, 90-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Fukano et al.

Whitehouse shows a piston actuator with piston 24 and stroke adjustment cap 38 threaded into portion 48. The loose fit of stem 14 in bore 40 and the loose thread connections at 42 inherently duplicate the function of bore 46, which is to permit the inlet and outlet of air, and portion 48 is thus read as an actuator inlet. The housing of Whitehouse is read as an integral cap and base construction. The single acting piston shown in Figure 2 can have a return spring, see column 2, lines 4-9. Whitehouse, however, is not a valve actuator. Fukano et al show a typical single acting piston to actuate a valve. It would have been obvious at the time the invention was made to have used the actuator of Whitehouse to similarly actuate a valve as taught by Fukano et al.

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Claims 58, 78, 81, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wall in view of Fukano et al, of record, and further in view of Pettigrew et al.


Wall shows a piston actuator including a stroke limiting abutment member 16 but mechanism 23 is not disclosed. Fukano et al shows a typical piston actuated biased closed valve. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the piston actuator of Wall to actuate a valve such as that of Fukano et al to similarly control fluid flow. Pettigrew et al show a piston 40 with an adjustable limit stop 57 which is coincident with an actuator inlet port of line 45. It would have been an obvious matter of design to have constructed the limit stop and inlet port of Wall, as modified, as coincident members as shown in Pettigrew et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912. The examiner can normally be reached on Patent Hoteling Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
John Fox  
Primary Examiner  
Art Unit 3753